

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested. In the outstanding office action, claims 1-17 are pending in the application. Claims 1-4, 6-10, and 12-17 are rejected. Claims 5 and 11 are objected to.

Claims 1-4, 6-10, 12, 13, and 15-17 were rejected under 35 U.S.C. § 102(e) as being unpatentable by Kerinbou (6,285,893).

Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kerinbou (6,285,893) in view of Horii (6,498,589).

Claims 5 and 11 were objected to as being dependent upon a rejected base claim.

RESPONSE TO THE OFFICE ACTION

In response to the office action, claims 1, 4-7, 10-13, and 15 were amended. Claims 2, 3, 8, 9, 14, 16, and 17 were unchanged. New claims 18-27 were added.

Applicant notes that Applicant has not received a Notice of Draftsperson's Patent Drawing Review (PTO-948) for this case. Applicant respectfully requests Examiner to forward such document when available.

FORMAL MATTERS

Acknowledgement of Allowable Subject Matter:

Applicant acknowledges the allowability of claims 5 and 11 once amended to overcome the rejection under 35 U.S.C. § 112 set forth in the Office Action.

Applicant has added new claims 18 through 27 including the limitations of claims 5 and 11, wherein claims 5 and 11 were indicated as being allowable by the Examiner. Applicant therefore respectfully submits that new claims 18 through 27 are in proper condition for allowance and request that claims 18 through 27 may now be passed to allowance.

SUBSTANTIVE MATTERS

Claim Rejections - 35 U.S.C. § 102(e):

Applicant respectfully requests reconsideration of the rejection of claims 1-4, 6-10, 12, 13, and 15-17 were rejected under 35 U.S.C. § 102(e) as being unpatentable by Kerinbou (6,285,893) as herein amended.

Applicant respectfully submits that Kerinbou (6,285,893) does not anticipate the invention recited in independent Claims 1 and 7 as herein amended. Specifically, Kerinbou (6,285,893) does not anticipate generating a first control signal associated with a first display orientation to activate a first antenna. Applicant submits that the Kerinbou (6,285,893) patent actually teaches away from the present invention since in Kerinbou (6,285,893) there is no attempt or intention to select an antenna to activate based on a display orientation. Kerinbou (6,285,893) describes selecting an antenna based on sensing an intercepting object. (see col. 4,

lines 23 – 29). Applicant respectfully submits that the sensing of an intercepting object does not anticipate the sensing of a display orientation.

Applicant respectfully requests reconsideration of the rejection of claims 2-4, 6, 8-10, and 12. Claims 2-4, 6, 8-10, and 12 contain further limitations of the now believed to be allowable amended independent claims 1 and 7.

Applicant respectfully requests reconsideration of the rejection of claim 13 under 35 U.S.C. § 102(e) as being unpatentable by Kerinbou (6,285,893) as herein amended. Applicant respectfully submits that Kerinbou (6,285,893) does not anticipate the invention recited in amended Claim 13. Kerinbou (6,285,893) does not anticipate an antenna system in which one antenna of the antenna system is activated in response to an antenna control signal associated with one display orientation. Applicant submits that the Kerinbou (6,285,893) patent actually teaches away from the present invention since in Kerinbou (6,285,893) there is no attempt or intention to select an antenna to activate based on a display orientation. Kerinbou (6,285,893) describes selecting an antenna based on sensing an intercepting object. (see col. 4, lines 23 – 29). Applicant respectfully submits that the sensing of an intercepting object does not anticipate the sensing of a display orientation.

Applicant respectfully requests reconsideration of the rejection of claim 15 under 35 U.S.C. § 102(e) as being unpatentable by Kerinbou (6,285,893) as herein amended. Applicant respectfully submits that Kerinbou (6,285,893) does not anticipate the invention recited in amended Claim 15. Kerinbou (6,285,893) does not anticipate a method for controlling an antenna system including “determining a current orientation of the plurality of orientations of the display; identifying a preferred active antenna based on the current orientation of the display; generating an antenna control signal to activate the preferred active antenna; sending the antenna control signal to a radio frequency switch; and activating the preferred active antenna.” Applicant submits that the Kerinbou (6,285,893) patent actually teaches away from the present invention since in Kerinbou (6,285,893) there is no attempt or intention to select an antenna to activate based on a display orientation. Kerinbou (6,285,893) describes selecting an antenna based on sensing an intercepting object. (see col. 4, lines 23 – 29). Applicant respectfully

submits that the sensing of an intercepting object does not anticipate the sensing of a display orientation.

Applicant respectfully requests reconsideration of the rejection of claims 16 and 17. Claims 16 and 17 contain further limitations of the now believed to be allowable amended claim 15.

Claim Rejections - 35 U.S.C. § 103(a):

In response to the office action dated 11/19/2003, applicant hereby submits a declaration of prior invention in the United States under 37 C.F.R. §1.131 to overcome the cited United States Patent (US patent 6,498,589 to Horii). Applicant respectfully submits that the rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Kerinbou (6,285,893) in view of Horii (6,498,589) is moot in view of the submitted declaration.

Further, Applicant submits that claim 14 is allowable over the cited references based on its dependency upon amended claim 13 which claim was shown to be allowable above.

Claims 1-27 as presented herein define novel structure and methodology as described above, Applicant respectfully submits that such claims are clearly patentable, and reconsideration and withdrawal of the rejection of claims 1-17 and allowance of new claims 18-27 is respectfully requested at this time.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner believes that there are any informalities which can be corrected by Examiner's amendment, or in the event that the Examiner deems the present application non-allowable, a telephone call to the undersigned at (954) 723-6449 is respectfully solicited.


Authorization is hereby given to charge any fees, or credit overpayment necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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